

but if they choose of their own free will to do so, they become at once entitled to the protection, and subject to the penalties of her laws; and during their sojourn in a due bound to deport themselves as good and orderly members of the society to which Virginia. All the writers upon international law, I believe concur in the doctrine of Mr. Kent, 'The guilty party cannot be tried and punished by any other jurisdiction than the one whose laws have been violated.' And the Constitution of the United States expressly declares that he shall be delivered up 'to be removed to the State having jurisdiction of the crime.'

According to Vattel, page 162: 'If the offended State has in her power the individual who has done the injury, she may, without scruple, bring him to justice and punish him. If he has escaped and returned to his own country, she ought to apply to his sovereign to have justice done in the case.' And since the latter ought not to suffer his subjects to molest the subjects of other States, or to do them an injury, much less to give open audacious offence to foreign powers, he ought to compel the transgressor to make reparation for the damages or injury, if possible, or to inflict on him an exemplary punishment; or finally, according to the nature and circumstances of the case, to deliver him up to the offended State, to be there brought to justice.'

In strict accordance with these views, are those expressed by a very able and distinguished citizen of your State, James Kent, in the first volume of his commentaries, page 36: 'It has sometimes been made a question how far one government was bound by the law of nations, and independent of treaty, to surrender up, upon demand, fugitives from justice, who having committed crimes in one country, flee to another for shelter. It is declared by the public jurists, that every State is bound to deny an asylum to criminals; and upon application, to due reparation of the damages, to surrender the fugitive to the foreign State where the crime was committed. The law of the authorities is clear and explicit; and the law and usage of nations rest on the plainest principles of justice. It is the duty of the government to surrender up fugitives upon demand, after the civil magistrate shall have ascertained the existence of reasonable grounds for the charge, and sufficient to put the accused upon his trial.'

Thus, then, it is seen, even in reference to nations not bound by treaty or confederated by compact, that the usage of surrendering fugitives from justice is observed and the law and usage of nations rest on the plainest principles of justice.

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According to Chancellor Kent's exposition are the views presented by other writers of great authority. Grotius admits that for some ages past, the right of demanding fugitive delinquents has not been insisted on in most parts of Europe, except in crimes against the State or those of a very heinous nature.

As for lesser faults, they are committed on both sides unless it is otherwise agreed on by some particular treaty. You will permit me here to say with all respect, that it is 'the usage of nations' as it is 'understood in practice' that we are seeking to ascertain, and that the difficulty in the present case is the very difficulty mentioned by Chancellor Kent. The question under consideration, stated in the language of Chancellor Kent, would be whether the crime mentioned in your requisition is a crime of 'great atrocity or deeply affecting the public safety.' I must respectfully insist that I cannot as a magistrate and in a case involving the liberty of citizens of this State, admit that act to be a crime of this character, which the laws of this State do not pronounce to be even a crime.

Let us now inquire what would be the consequences of your position. By the laws of this State the following offences are declared to be misdemeanors, that is, crimes of a grade lower than felony. They are not crimes of 'great atrocity or deeply affecting the public safety,' nor are they crimes 'punishable with death or imprisonment in the State prison,' so that they would not be subjects of demand under the usages of nations, as expounded by Chancellor Kent, or as recognized by the law of the State.

Petit larceny; extorting by threatening letters;

making conveyances to a creditor, concealing

property by insolvent debts; buying less

in suit; buying a pretended title; transacting busi-

ness with the intent of a party not interested; wanton-

ly opening a lock on a canal; town clerks neglect-

ing to return names of constables; any violation of

health laws; entering the quarantine ground with-

out authority; keepers of boarding houses neglect-

ing to report foreigners arriving by sea; ferrying

without license; selling goods by auction in violation

of auction law; auctioneers selling goods except

in the day-time; defacing distilled spirits or selling such spirits; cutting mile stones; cheating at play; winning or losing more than twenty-five dollars in twenty-four hours; drivers of carriages running beyond one's own land; setting up or drawing

lotteries; selling or buying tickets in such lotteries; racing of animals; and all offences against

the law relating to excise and to the regulation of

taverns and groceries. Undoubtedly the Legislature of every one of the twenty-six States in the Union has defined about an equal number of petty offences. Can it be possible that the article of the Constitution was intended to embrace the whole of all the States by requiring the prompt surrenders of all? I would submit a couple of offences in one State and flee to another for protection, to be removed for trial and punishment 'to the State having jurisdiction of the crime.' But according to your Excellency's construction of this clause, the terms 'treason, felony, or other crime,' although comprehensive enough to embrace all criminal offences and to reach all fugitives from justice, should be so restricted and interpreted as to include only such offences as are recognized as crimes by the universal laws of all civilized countries.' Thus the citizens of Pennsylvania and Ohio may enter the territory of New-York and commit a thousand offences made criminal by your laws, to the great annoyance and injury of your people, but if they happen to be crimes peculiarly affecting the inhabitants of New-York, or of a grade or character each not 'recognized as crimes by the universal laws of all civilized countries,' you may in vain demand their surrender. You may punish your own citizens for committing similar offences, but those of other States who entered your territory for the predetermined purpose of violating your laws, injuring the rights, and disturbing the repose of your peaceful and unoffending countrymen, may flee from your State, exulting in their crimes, and it is neither your right to demand, nor the duty of their Government to demand their trial and punishment.

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man of the Board at Palermo, swallowed up in a political melstrom. Our scattered forces ought to be united—our influence concentrated, and our efforts systematically put forth for the advancement of those measures which have elevated the cause of freedom in our present position. To do this, we need but to be present together, and strengthen each other's hands.

Some of our brethren look upon a political party as the great means to carry forward the organization. But those who can discover no reformatory cause, in such an organization, and are unable to power in such an organization, and are unable to speak the truth, are not fit to be its leaders. To you, it would not be said, that our certainty of the ultimate success lies in the truth and glory of the principles which are the foundation of the anti-slavery cause.

The boys are men and we guard them. There is no time to waste in the heat of anger, if for a moment of thought we sign the nine months' constitution that signed the Western New England, leaving its power, & J. S. JACKSON.

American Anti-slavery Members of Pro-Slavery Churches.

BLITHFIELD AND SISTERS.—We publish the following letter as in substance what we think the impious duty of all you towards the religious bodies you stand connected with—towards the miserable slave, and towards his own God Father in heaven.

We never can abolish slavery while we sustain a church and religious profession that uphold it. And while we sustain these pillars of slavery, we are answerable to God for our brother's enslavement.

CONCORD, Jan. 6, 1840.

To the Congregational Church in Plymouth:

BRETHREN—At this day, while there seems to be great goodness in profusing Christians to institute proceedings against each other for non-obedience of regulations and outward forms—there appears a corresponding reluctance and unwillingness to discipline or reprove for real violations of Christian principle, (where it is not disreputable to do so.)

We have not been able to abolish slavery while we sustain a church and religious profession that uphold it. And while we sustain these pillars of slavery, we are answerable to God for our brother's enslavement.

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POETRY.

From the Delaware Gazette.

MY MOTHER.

Oh! I remember when a girl,
I stood beside the old arm chair,
And twined around the graceful curl
That fell in ringlets from her hair;
I gazed upon her gentle face,
And thought that none was half so fair;
On memory's mirror still I trace
Affection's smile that lingered there.

And I remember when we met
At evening's hour, to kind and pray,
How conscience smote me with regret,
When guilty of some wrong that day;
A strong impression then was given,
Which time no change could ever efface,
My joys in life, my hopes in heaven,
To those bright scenes may all be traced.

And I remember when a bride,
I kissed the tears from off her cheek;
I knew not then the gushing tide,
That choked her so she could not speak;
But when I knew, in after years,
The feelings of a mother's heart,
Oh! then I prized those hallowed tears,
The pangs she felt when we did part.

And I remember too when pain
And fever scorched my weary head,
My mother's loved and hallowed name
Almost drove me from the dead;
Yes, I remember how she wept,
When little hope of me was given,
And how on tip-toe round she crept,
To kneel and point me up to heaven.

Who that has known a mother's love
Can ever forget her accents mild?
Her tears, her prayers, must ever prove,
The tie that binds her to her child;
The world may use her offspring ill;
He may become debased and low;
But pity on that altar still
Mingles with love a brighter glow.

There's not a name on earth more dear
Than that the tongue first learns to speak;
There's not a bosom more sincere
Than where we laid our infant check:

There's none where half the feeling glows,
As that which burns within her breast,
An alter there, the light still shows
Of earthly friends she is the best.

S. V. C.

Wilmington, (Del.) December, 1840.

From the Token for 1840.
THE WIDOW'S HOPE.

BY H. F. GOULD.

Sleep on, my babe, and in thy dream
Thy father's face behold,
That love again may warmly beam
From eyes now dark and cold.
His wonted fond embrace to give,
To smile as once he smiled,
Again let all the father live,
To bless his orphan child.

They mother sits these heavy hours
To measure off with sighs,
And over life's quick-withered flowers
To drop with streaming eyes.
For, ah, our waking dreams, how fast
Their desert visions fade,
Or flee, and leave their glory cast
For ever into shade!

And still, the doating, stricken heart,
In every bleeding string
That grief has snapp'd or worn apart,
Finds yet wherewith to cling;
And yet wherein it hold to take,
With stronger, double grasp,
Because of joys it held to break
Or melt within its clasp.

A blast has proved that in the sand
I based my fair, high tower;
Pole Death has laid his rending hand
On my new Eden bower!
And now my tender orphan boy,
Sweet bud of hope, I see
My spice of life, my future joy,
My all, wrapped up in thee.

I fear to murmur in the ear
Of Him who willed the blow,
And sent the King of Terrors here—
To lay thy father low.
I ask his aid my griefs to bear—
To say, "They will be done!"
That Heaven will still in pity spare
The widow's only son.

THE OLD FARM GATE.

Where, where is the gate that once used to divide
The old shaded lane from the grassy road side?
I like not this gate so gay and so bright,
With its glittering latch and its trellis so white.
It is pretty, I own, yet oh deary by far,
Was the red rusty hinge, and the weather warped
bar.

Here are fashion and form of a modernized date,
But I'd rather have looked on that old farm gate.

'Twas there, where my sisters would gather to play
In the shadow of twilight, or sunny midafternoon.

How'd we laugh and run wild mid those hillocks of sand,

Where temptations existed no child could withstand:
But to swing on the gate rails, to clamber and ride,

Was the utmost of pleasure, of glory and pride;
And the car of the victor, or carriage of state,

Never carried such hearts as the old farm gate.

HALLOWED JOYS.

BY LORD MORPETH.

Rejoice not, if the rose thy smile
Of Woman's love thy path beguile,
If Mirth and Music charm thy bower,
If pleasure wing each hurried hour:
Rejoice, if, in a world of pain,
Its sorrow may efface its stain!

Rejoice not, if the tramp of Fame
Ring to the echo of thy name;
If thronging crowds around thy bower,
If monarchs love, and nations bless;
Rejoice, that on the eternal throne,
The Saviour marks thee as his own!

Rejoice not, if the tuneful lay
Roll through thy lips its sounding way;
If thy hand wake to life and fire,
The breathing and the burning lyre:
Rejoice, that thy faint note of praise
Shall swell the strain that seraphs raise.

Rejoice not if this earth display
The wealth and wonder of her day:
Her gay delights of sound and scene,
The vocal grove and vernal green;
Rejoice, that to the meek are given
The golden palaces of heaven.

NON-RESISTANCE.

Lecture on War by the Wife of Gen. Gaines!

The New-York Herald gives the following report of a Lecture on the horrors of War, recently delivered in the Broadway Tabernacle of that city, by the wife of Gen. Gaines, in the presence of an immense assembly.

As soon as General Gaines concluded his remarks, Dr. Griscom advanced towards where Mrs. Gen. Gaines was, and conducted her to the platform amid immense cheering. She was dressed in a black silk velvet pelisse, made to fit tight, rich earrings, and diamonds in her hair, a rich silk hat, ornamented with a large waving plume of bird of paradise feathers. She held in her hand a small manuscript or printed pamphlet, from which she read as follows, in a clear, but not rich or strong tone of voice, and with not very good intonation or emphasis:

"We are alone and unprotected, I might be considered as stepping out of the pale of propriety, in thus appearing before a large and promiscuous audience of both sexes, to address them upon the 'Horrors of War,' or upon any other subject. But when I do this in the presence of my liege lord, (shouts of laughter and tumultuous peals of applause) whom I am bound to obey in all things—(increased laughter and applause, which lasted several minutes)—and when my discourse is on the subject of war, a pursuit in which he has all his life been engaged, I am sure that if a jury of my own sex were to be selected from among this respectable and intelligent audience, to try me for the subject, their unanimous verdict would be 'Acquitted.' (Loud applause, and General Gaines rose and remained standing behind her during the rest of her speech.)

I am not ignorant that, by a majority of persons, it is considered that the most appropriate pursuit for a female is to study household good, and good works to promote. Her best theatre of action, it has been contended and conceded, is the domestic circle. Man is created for, and destined to fill a wide and busy scene in this world's great drama. Woman was formed to fill and move in a calm and peaceful sphere. Such was my lot, and such was my course—but having become the wife of one who was a soldier and Cortez were alike in their astonishing cruelty—a general characteristic of conquerors. The hero of America caused four hundred and sixty Indians to be burnt alive, the hero of Asia caused two thousand Tyrians to be crucified."

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